

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JAMES C. WINDING, NO. K8115

PETITIONER

versus

CIVIL ACTION NO. 5:05-cv-178-DCB-MTP

RONALD KING, Superintendent, and
JIM HOOD, Attorney General RESPONDENTS

ORDER

This cause is before the Court on Petitioner's Motion for New Evidence and Supplement to His Lack of Evidence Claim/Motion to Submit Pending Lawsuit [**docket entry no. 173**] and Motion for Newly Discovery [sic] of Evidence [**docket entry no. 174**]. It is difficult to discern the Petitioner's request in his initial motion, but in his second, related motion he argues that he possesses newly discovered evidence of his actual innocence of his sexual battery conviction "due to the fact that he was denied fundamental due process of law." The Petitioner has already filed a habeas petition related to his conviction for sexual battery, and that petition was dismissed with prejudice on July 3, 2007. If the Petitioner has new evidence to present to this Court in a second or successive habeas petition, he must obtain an order from the Court of Appeals for the Fifth Circuit authorizing this Court to consider the petition. See Rule 9 of the Rules Governing Section 2254 Proceedings. Until such time, this Court has no authorization to reconsider his request.

For the forgoing reasons,

IT IS HEREBY ORDERED that Petitioner's Motions [**docket entry**
nos. 173, 174] are **DENIED**.

SO ORDERED, this the 26th day of September, 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE